

authorized and directed" the city to make, execute, and deliver a conveyance. This, the Attorney General said, sufficiently evidenced consent by the State as contemplated by the Constitution.¹⁰ It has also been held that consent, in order to be effective, need not be given in advance of the purchase, but may be made retroactive as to purchases previously made.¹¹

21. Jurisdiction of United States to be determined by Federal law.—The extent of jurisdiction acquired by the United States pursuant to a State statute is a Federal question for determination by Federal law.¹² However, the construction placed upon such statute by the State court is usually adopted by the Federal courts. Commenting upon a statute of the State of Washington which gave the consent of the legislature to the purchase by the United States of land within that State, the Supreme Court of the United States observed, "Assuming that because of the presence of the Federal question we are at liberty to construe the statute for ourselves, we should, in harmony with our principles of decision in such cases, give great weight to the views of the State court as to the intent and limitations of the State statute in granting consent and cession * * *. We should accept that construction unless we are satisfied that it does violence to Federal right based upon the statute, defeating the reasonable anticipation and purpose of securing through the operation of the statute an essential and exclusive legislative authority for the Federal Government."¹³

CHAPTER IV

WHEN JURISDICTION VESTS IN THE UNITED STATES

22. Status of lands acquired before February 1, 1940.—Throughout the years there has been much litigation involving the respective jurisdictional powers of the State and Federal Governments over lands owned by the United States within the several States. In many instances the jurisdictional issue involved resulted from uncertainty as to whether the Federal Government had actually accepted jurisdiction granted by the State over the land concerned.

Prior to the Act of Congress approved February 1, 1940 (54 Stat. 19), which amended Section 355, Revised Statutes, and which is hereinafter discussed, there was no provision of Federal law requiring formal acceptance of jurisdiction by the United

¹⁰ 39 Atty. Gen. 99; See *St. Louis-San Francisco Ry. Co. v. Satterfield*, 27 Fed. (2) 586, holding that power of state to exercise political jurisdiction over territory within its borders is not to be taken from it by implication, but must find its basis in express enactment. See also *Fort Leavenworth v. Lowe*, 114 U. S. 525; *In re Kelly*, 71 Fed. 545.

¹¹ 13 Atty. Gen. 411.

¹² *Brewer Oil Co. v. United States*, 260 U. S. 77, 87, 43 S. Ct. 60; *United States v. Utah*, 283 U. S. 64, 75, 51 S. Ct. 438; *Borax Consolidated v. Los Angeles*, 296 U. S. 10, 22, 56 S. Ct. 23; *Mason v. Tax Commission*, 302 U. S. 186, 197, 58 S. Ct. 233; *Yellow Cab Transit Co. v. Johnson*, 48 F. Sup. 594.

¹³ *Mason v. Tax Commission*, 302 U. S. 186, 206, 207, 58 S. Ct. 233.